

## REMARKS

Applicant respectfully traverses the restriction requirements imposed by the Examiner. Applicant contends inventions I and II, as designated by the Examiner, are not related as process and apparatus for its practice.

The Examiner states the inventions can be shown to be distinct if either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. The Examiner then concludes the "induction tool can be design[ed] by using a different designing method."

The Examiner's conclusion does not meet either prong of the test. The Examiner does not identify a materially different apparatus by which the claimed process can be practiced, nor does the Examiner indicate the claimed process can be practiced by hand. Similarly, the Examiner does not indicate in any way that the apparatus as claimed can be used to practice another and materially different process. The Examiner simply states, without proof or any indication as to how, that the apparatus can be designed using a different method. Even if, for the sake of argument, we assume that is true, it still does not establish a *prima facie* case for restricting the claims.

Applicant respectfully disputes the classification imposed by the Examiner, specifically the classification of class 703, subclass 2 for the method claims (10-18). Class 703 covers electrical data processing. The present invention is an induction tool. The corresponding method claims capture the design process for the relative placement or disposition of particular components of such an induction tool. The method claimed is not an electrical data processing method. Thus, the classification of the method claims as belonging to class 703 is improper.

Applicant respectfully requests reconsideration and withdrawal of the imposed restriction requirements in light of Applicant's arguments. Should the Examiner find Applicant's arguments unpersuasive, Applicant elects claims 1-9, with traverse.

The Commissioner is authorized to pay any additional fees or credit any overpayment to Deposit Account No. 190610.

Respectfully submitted,

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Date

Bryan E. White  
Bryan E. White, Reg. No. 45,211  
Schlumberger Technology Corporation  
200 Gillingham Lane (MD 9)  
Sugar Land, Texas 77478  
(281) 285-6493  
(281) 285-8821